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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 Paul McCreary,

9 Petitioner

10 v.

11 Nevada Parole Board,

12 Respondent.

Case No.: 2:25-cv-00693-GMN-MDC

Order Dismissing Petition

13 Paul McCreary has submitted a *pro se* Petition for a Writ of Habeas Corpus
14 pursuant to 28 U.S.C. § 2254 challenging the revocation of his parole. (ECF No. 6.)
15 Because it appeared that McCreary has not yet sought relief in state court, the Court
16 directed him to show cause and file such proof as he had to demonstrate that the
17 Petition should not be dismissed as unexhausted and premature. (ECF No. 5.)

18 In McCreary's response to the show-cause order, he acknowledges that he has
19 not pursued his claim in state court. As the Court explained in the earlier order, it is not
20 permitted to adjudicate a federal habeas petition containing unexhausted grounds for
21 relief. *See Rose v. Lundy*, 455 U.S. 509, 510 (1982); *Rhines v. Weber*, 544 U.S. 269,
22 274–75 (2005).

1 The Petition therefore must be dismissed without prejudice as unexhausted. It
2 appears that McCreary may still be able to timely file a state postconviction petition to
3 challenge the revocation of parole in the state courts. He does not argue in his
4 response to the show-cause order that he has valid reasons to be concerned about
5 being able to file a timely federal petition if this case is dismissed without prejudice.

6 It is therefore ordered that Petitioner's application to proceed *in forma pauperis*
7 **(ECF No. 1) is granted.**


8 It is further ordered that the Petition is dismissed without prejudice as set forth in
9 this order. The Clerk of Court is directed to send to Petitioner a copy of all papers he
10 has filed in this case.

11 It is further ordered that a certificate of appealability is denied.

12 It is further ordered that the Clerk of Court enter judgment accordingly and close
13 this case.

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16 DATED: 15 July 2025.

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GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE